

REMARKS

Reconsideration of the Office action mailed on February 3, 2004 is requested in view of the foregoing amendments and the following remarks. Prior to entry of the above amendments, claims 6, 13, and 18-28 were pending. In the Office action, the allowance of claims 6, 13, and 18-28 was withdrawn, and the claims were rejected under 35 U.S.C. § 102(e). Further, claims 18 and 19 were rejected under 35 U.S.C. § 112, second paragraph, and claim 26 was objected to as being a substantial duplicate of claim 25.

In response, applicants have canceled claims 18, 19, and 26 without prejudice, amended claims 6 and 13, and added new claims 29-34, so that claims 6, 13, 20-25, and 27-34 remain. In view of the amendments above and the remarks below, applicants respectfully request reconsideration of the application under 37 C.F.R. § 1.111 and allowance of these claims.

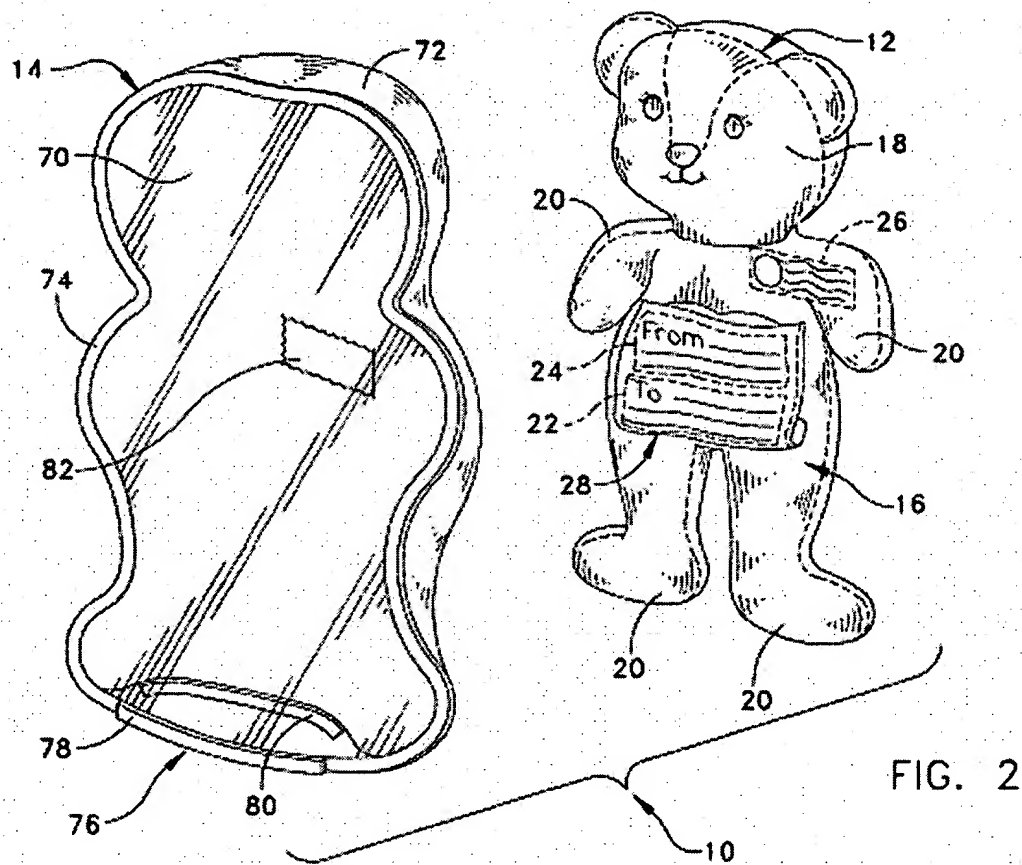
Rejections under 35 USC § 102

Claims 6, 13, and 18-28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kaplan (U.S. Patent No. 6,030,274). By this amendment, Claims 6 and 13 have been amended to more clearly define the scope for which protection is sought. Claim 6 now recites, amongst other structure, a package having an aperture, printed material separate from the toy and including customer-defined identifying material supported on the package so that the identifying material is visible through the aperture of the package, wherein the aperture is substantially smaller than the printed material.

Support for this amendment can be found, for example, in Figs. 2 and 3, which depict package 34 with aperture 36b through which identifying material 42 is visible,

wherein aperture 36b is smaller than printed material 38.

Kaplan fails to disclose a package as recited in amended claim 6. Fig. 2 of Kaplan is reproduced below for the Examiner's convenience.



According to the Office action, Kaplan discloses a plush toy animal (12) and a plastic casing (14), the toy including customer-defined identifying material (28) and the casing including an aperture (70), the identifying material supported in the package such that it is visible through the aperture.

However, as disclosed and as illustrated, the aperture (70) is much larger than the customer-defined identifying material (28). Moreover, the identifying material is not separate from the toy, but is rather attached to, and forms a part of, the toy. Thus, Kaplan

fails to disclose a package having an aperture, printed material separate from the toy and including customer-defined identifying material supported on the package so that the identifying material is visible through the aperture of the package, wherein the aperture is substantially smaller than the printed material, as recited in amended claim 6.

Thus, Kaplan does not anticipate amended claim 6. Accordingly, applicants request that the rejection of independent claim 6 should be withdrawn for at least this reason.

Similarly, Kaplan fails to disclose a package for displaying a personalized toy in which the package (or casing) comprises a flap, the flap being separate from the toy and having an aperture and an inside that faces the personalized toy and that supports customer-defined identifying material separate from the flap, as recited in amended claim 13.

For example, the Examiner asserts that Kaplan discloses a flap (28). However, applicants note that the Kaplan flap is attached to, and forms a part of, the *toy*, rather than the *casing*. Moreover, the Kaplan flap does not include an aperture. As can be seen in Fig. 2 of Kaplan, reproduced above, casing 14 lacks a flap.

Applicants concede, however, that Kaplan does disclose a plastic envelope 98, “obviously constructed in the shape of a conventional envelope,” which includes a flap 106 (col. 6, lines 8-16). However, as disclosed and as illustrated, neither envelope 98 nor flap 106 includes an aperture, as recited in independent claim 13.

Since Kaplan fails to disclose a package comprising a flap, the flap having an aperture and an inside that faces the personalized toy and that supports customer-defined identifying material, as recited in amended claim 13, Kaplan does not anticipate amended claim 13. Accordingly, applicants request that the rejection of amended claim 13 should be withdrawn for at least this reason.

Dependent claims 20 and 21 depend from and further limit amended claim 6, and thus should be allowed when claim 6 is allowed. Similarly, dependent claims 22-25, 27, and 28 depend from and further limit amended claim 13, and thus should be allowed when claim 13 is allowed.

New claims 29-34 also include features not shown or suggested by Kaplan or the other cited references.

Conclusion

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact Mr. Charles H. DeVoe or the undersigned attorney for applicants.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop AMMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on June 3, 2004.


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